

REMARKS

35 U.S.C. § 112 Rejections

Claims 1-3, 6, 8 -1 5, and 19 have been rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant submits that the amendments to the claims obviate the present rejections.

Specifically, Claim 1 has been amended as suggested by the Examiner such that the claim language is directed to "side" ports. Claim 2 has been amended to clarify that the fiber optic element is in "further "communication with the central port. Claim 3 has been amended to state that the ports of spaced "equidistant" from one another as opposed to some random arrangement. Claim 18 has been amended to include language consistent with its antecedent. Claim 19 has also been amended to include language consistent with its antecedent. In view of the amendments, the present rejections of the claims are now moot.

35 USC § 102 Rejections

Claims 1, 8–14, 16–20, and 25–27 have been rejected under 35 USC § 102(e) as allegedly being anticipated by Buschmann and claims 1-3, 6, 8-10, 12-14, and 27 have been rejected under 35 USC § 102(b) as allegedly being anticipated by Goodman et al. Applicant respectfully submits that the amendments to the claims obviate the present rejections. Specifically, claim 22 has been cancelled and independent claims 1 and 16 have been amended to clarify that the presently claimed fiber optic monitoring devices of the present invention have an elongated body that includes "at least three side ports." Neither of the cited references teach a fiber optic body having at least three side ports, wherein the body is adapted for irradiating and area and receiving backscattered radiation for measurement. Accordingly, the cited references do not anticipate the presently claimed invention.

Atty. Docket No. ISR00-10 19
Amdt. Dated June 26, 2006
Reply to Office action of April 24, 2006
Appl. No. 10/663,684

PATENT

35 USC § 103 Rejections

Claims 15 and 21 have been rejected under 35 USC § 103 as allegedly being unpatentable in view of Buschmann in view of Schwartz. Applicant respectfully submits that if an independent claim is free of the art, then by definition, a dependent claim is free of the art. In this regard, Applicant notes that claim 15 depends from claims 14 and 1 and claim 21 depends from claims 20 and 16. These claims are allowable over the art of record as set forth above and Schwartz does not teach or suggest the use of a device having at least three side ports as presently claimed by Applicant. Accordingly, the cited references do not render claims 15 and 21, or any other claims, obvious.

CONCLUSION

In view of the above amendments and Remarks, it courteously is urged that all the claims are allowable and that the application now is in condition for allowance. If the Examiner believes that the prosecution could be advanced through a telephone conversation, then the Examiner is invited to telephone the undersigned. Favorable action in this regard earnestly is solicited.

Respectfully submitted,
CAHN & SAMUELS, L.L.P.

By: W. E. Bradley 6/26/06
William E. Bradley, Reg. No: 42,355
2000 P St., NW, Ste. 200
Washington, D.C. 20036
Telephone: (202) 331-8777
Fax: (202) 331-3838